IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 23961 of 2007(C)

PETITIONER:

ELSA, AGED 51 YEARS,
D/O. VITHAYATHIL FRANCIS, SNEHAGIRI DESOM, MALA,
KURUVILASSERI VILLAGE, MUKUNDAPURAM TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)

RESPONDENTS:
---

1. THE KERALA STATE FINANCE ENTERPRISES,
CHALAKKUDY, REP. BY ITS BRANCH MANAGER,
CHALAKKUDY, THRISSUR DISTRICT.

2. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, KERALA STAE FINANCIAL
ENTERPRISES, THRISSUR.

3. THE VILLAGE OFFICER,
KURUVILASSERY VILLAGE OFFICE, KURUVILASSERY,
MUKUNDAPURAM TALUK.

4. GOPI, S/O. VASU,
MANGADATH HOUSE, MUKUNDAPURAM TALUK.

5. MRUDULA, W/O. GOPI,
MANGADATH HOUSE, MUKUNDAPURAM TALUK.

6. SAJEEVAN, S/O.KARAPPILLY MADHAVAN,
KURUVILASSERY VILLAGE, DESOM, MUKUNDAPURAM TALUK.

7. JOHNSON, S/O. KAREKATTU ANTHONI,
MALA, SNEHAGIRI DESOM, KURUVILASSERY VILLAGE,
MUKUNDAPURAM TALUK.

R1&2 BY ADV. SRI.ASOK M.CHERIYAN, SC, K.S.F.E. LTD.
R3 BY G.P. SMT.M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

.....

W.P.(C) No.23961 of 2007

.....

Dated this the 11th day of September, 2007.

JUDGMENT

The petitioner is a co-owner of the property attached and proposed to be sold for recovery of arrears due from petitioner's husband who is the other co-owner. Since petitioner has undertaken to settle liability within three months, W.P. is disposed of directing respondents 2 and 3 to withhold recovery proceedings till 15.12.2007. However, if the petitioner does not settle liability as undertaken in court, respondents 2 and 3 are free to sell the entire property including the undivided share of the petitioner and recover the arrears. It will be open to the petitioner to proceed against the debtor or others claiming the payment made, in accordance with law. If petitioner clears liability as above, there will be direction to respondents 1 to 3 not to recover any penal interest or collection charges.

C.N.RAMACHANDRAN NAIR
Judge

pms